

26



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,175	03/26/2004	Anthony P. Priesgen	281.035	2014

7590

10/12/2005

PETER C. STOMMA  
Suite 1030  
250 E. Wisconsin Avenue  
Milwaukee, WI 53202

EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/811,175

Applicant(s)

PRIESGEN, ANTHONY P.

Examiner

Hilary Gutman

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,7,8,10-12,14,17-23,27-29,33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) 10-12,14,17-22,27-29,33 and 35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,7 and 36-41 is/are allowed.
- 6) ☒ Claim(s) 8 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 10-12, 14, 17-22, 27-29, 33, and 35 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/7/05.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the generally square shape of the guide of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the rail member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beck (5,409,335) in view of Yanke (4,969,784) and Herrick et al. (6,030,159).

Beck discloses a trailer frame 10 for transporting a load, the trailer frame supported on an axle and a pair of wheels (not numbered, see Figure 1), comprising: a tie-down assembly 14 configured to secure the load 13; and a slide mechanism 16 (Figures 2-4) configured to slidably

couple the tie-down assembly to the trailer frame, the slide mechanism including: an elongated member 15 having an axial length, including a slot extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot.

Beck lacks the recited tie-down assembly and slide mechanism of the claimed invention including a carriage bolt with a head.

Yanke '784 teaches a slide mechanism for mounting a tie-down assembly. The slide mechanism is configured to slidably coupled the tie-down assembly to a pickup frame, the slide mechanism including an elongated member 27 having an axial length, including a slot (Figure 2) extending the axial length of the elongated member, the slot having a gap width; and a channel disposed in communication with the slot, the channel having a width that exceeds the gap width of the slot; and a carriage bolt 53 with a head having a width that exceeds the gap width of the slot; wherein: the channel is configured to maintain the carriage bolt head adjacent to the slot; and the carriage bolt 53 is configured to receive the tie-down assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the slide mechanism of Yanke in place of the slide mechanism of Beck in order to allow the tie-down assembly to be tightened and secured at any location along the elongated member for easier securement of loads being hauled.

Beck, as modified, further lacks the specific tie-down assembly.

Herrick et al. '159 teach the prior art (as shown in Figure 1) having a tie-down assembly including a ring having a linear portion; and a mounting plate configured and capable of being

Art Unit: 3612

coupled to a deck, the mounting plate including a raised portion configured to receive the linear portion of the ring and an opening to receive bolts 18.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the ring and mounting plate of Herrick et al. in place of the tie-down assembly of Beck, as modified, in order to allow the ring to be moved between an upright position when securing cargo and a downward position when not in use.

#### *Allowable Subject Matter*

7. The indicated allowability of claim 25 is withdrawn in view of the newly discovered reference(s) to Herrick et al. (Figure 1). Rejections based on the newly cited reference(s) follow.

8. Claims 1, 7, and 36-41 are allowed.

9. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

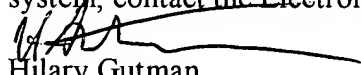
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3612

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hilary Gutman  
October 3, 2005